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Via ECF

October 16, 2020

The Honorable Sarah Netburn
Thurgood Marshall United States Courthouse
40 Foley Square, Room 430
New York, NY 10007

Re: Estate of John P. O'Neill, Sr. v. Al Baraka Inv. & Dev. Corp.,
04-cv-1923 (S.D.N.Y.) (GBD) (SN)

Dear Judge Netburn:

We write to respond briefly to Defendants' October 16, 2020 letter. ECF No. 6502.

When Defendants asked the *O'Neill* Plaintiffs to join them in a letter reminding Your Honor of the pending class motion, we declined and advised them that we thought it was unnecessary as the Court already specifically acknowledged that it was aware of the pending class motion. *See, e.g.*, April 17, 2020 Transcript 6:11-12. We discouraged the filing of any letter. This should not be misconstrued to diminish our belief in the class motion and the merits of it.

While we take issue with certain other extraneous points raised by Defendants, we believe that the record is clear and that there is no need to dwell on them here. Moreover, we had not seen their letter before it was docketed.

We thank the Court for its attention to this matter.

Respectfully submitted,

/s/ *Jerry S. Goldman*

Jerry S. Goldman, Esq.
Attorney for the *O'Neill* Plaintiffs

cc: All counsel via ECF

New York, NY ■ Los Angeles, CA ■ Stamford, CT ■ Washington, DC ■ Newark, NJ ■ Philadelphia, PA